

AGENDA

SPECIAL MEETING BOARD OF MAYOR AND ALDERMEN (PUBLIC HEARING – REZONINGS)

August 7, 2006

**6:00 PM
Aldermanic Chambers
City Hall (3rd Floor)**

1. Mayor Guinta calls the meeting to order.
2. Mayor Guinta calls for the Pledge of Allegiance.

A moment of silent prayer is observed.
3. The Clerk calls the roll.
4. Mayor Guinta advises that the purpose of the special meeting is to hear those wishing to speak in favor of or in opposition to proposed Zoning Ordinance changes; that the Clerk will present the proposed Zoning Ordinance changes for discussion at which time those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record, that each person will be given only one opportunity to speak; and any questions must be directed to the Chair.
5. The Clerk presents the first proposed Zoning Ordinance change:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-SM (Residential Suburban Multi-Family) zone district to include property currently zoned IND (Industrial) located on the south side of Holt Avenue between East Industrial Park Drive and Waverly Street and known as Tax Map 716, Lot 38.”

6. Mayor Guinta requests Robert MacKenzie, Director of Planning, make a presentation.
7. Mayor Guinta calls for those wishing to speak in favor.
8. Mayor Guinta calls for those wishing to speak in opposition.
9. The Clerk presents the second proposed Zoning Ordinance change:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, and 875-16.”
10. Mayor Guinta requests Robert MacKenzie, Director of Planning, make a presentation.
11. Mayor Guinta calls for those wishing to speak in favor.
12. Mayor Guinta calls for those wishing to speak in opposition.
13. The Clerk presents the third proposed Zoning Ordinance change:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot #143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”
14. Mayor Guinta requests Robert MacKenzie, Director of Planning, make a presentation.

15. Mayor Guinta calls for those wishing to speak in favor.
16. Mayor Guinta calls for those wishing to speak in opposition.
17. Mayor Guinta advises that all wishing to speak having been heard, the testimony presented will be referred to the Committee on Bills on Second Reading to be taken under advisement with reports to be made to the Board of Mayor and Aldermen at a later date.
18. Mayor Guinta advises that this being a special meeting of the Board, no further business can be presented and a motion to adjourn would be in order.

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To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Bills on Second Reading respectfully recommends, after due and careful consideration, that ordinance amendment:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-SM (Residential Suburban Multi-Family) zoning district to include property currently zoned IND (Industrial) located on the south side of Holt Avenue between East Industrial Park Drive and Waverly Street and known as Tax Map 716, Lot 38.”

be referred to a public hearing on Monday, August 7, 2006 at 6 PM in the Aldermanic Chambers of City Hall.

(Aldermen Duval, Lopez, Garrity and Pinard voted yea; Alderman Gatsas abstained.)

Respectfully submitted,

at a meeting of the Board of Mayor and Aldermen
held July 11, 2006 on a motion of Ald. O'Neil
duly seconded by Ald. Long the report
of the Committee was accepted and its recommendations

(adopted) ~~(denied)~~

Sh. N. Bernier
Clerk of Committee

Sh. N. Bernier

City Clerk

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester by extending the R-SM (Residential Suburban Multi-Family) zone district to include property currently zoned IND (Industrial) located on the south side of Holt Avenue between East Industrial Park Drive and Waverly Street and known as Tax Map 716, Lot 38."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION I. "Amending the Zoning Ordinance of the City of Manchester by extending the R-SM (Residential Suburban Multi-Family) zone district to include property currently zoned IND (Industrial) located on the south side of Holt Avenue between East Industrial Park Drive and Waverly Street and known as Tax Map 716, Lot 38, and being more particularly bounded and described as follows:

Beginning at a point on the centerline of Holt Avenue, said point being on the zone boundary line of the R-SM (Residential Suburban Multi-Family) and the IND (Industrial) zone district, prior to this amendment; and said point being approximately 165 ft. west of the intersection of the R-SM (Residential Suburban Multi-Family) zone district and the IND (Industrial) zone district, prior to this amendment;

Thence, southerly along the property line of Tax Map 716, Lot 38 and Tax Map 717, Lot 13A extended, a distance of approximately 438 ft. to a point;

Thence, westerly along property line of Tax Map 716, Lot 38 and Tax Map 717, Lot 1A a distance of approximately 423 ft. to a point;

Thence, northerly along the property line of Tax Map 716, Lot 38 and Tax Map 716, Lot 36A extended, a distance of approximately 436 ft. to a point, said point also being on the zone boundary line of the R-SM (Residential Suburban Multi-Family) and the IND (Industrial) zone district, prior to this amendment;

Thence, easterly along the zone boundary line of the R-SM (Residential Suburban Multi-Family) and the IND (Industrial) zone district, prior to this amendment; a distance of approximately 425 ft. to a point, said point also being the point of beginning.

Said description to include TM 716, Lot 38 consisting of approximately 3.90 acres of private land, to be rezoned from IND (Industrial) to R-SM (Residential Suburban Multi-Family) zone district, after this amendment.

SECTION II. Resolve this ordinance shall take effect upon passage.

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John G. Cronin
Admitted in NH and MA

**CRONIN &
BISSON, P.C.**



ATTORNEYS AT LAW

722 Chestnut Street, Manchester, NH 03104
Phone: (603) 624-4333 Fax: (603) 623-5626
www.croninbisson.com

April 20, 2006

Board of Mayor and Aldermen
c/o Leo Bernier, City Clerk
City of Manchester
One City Hall Plaza
Manchester, NH 03101

Re: Zoning Change
603 Holt Avenue
Map 716, Lot 38

IN BOARD OF MAYOR & ALDERMEN

DATE: June 6, 2006

ON MOTION OF ALD. O'Neil

SECONDED BY ALD. Pinard
refer to the Committee

VOTED TO on Bills on Second Reading.

Leo N. Bernier
CITY CLERK

Dear Board of Mayor and Aldermen:

Enclosed herewith please find the Petition for Rezoning, together with the filing fee, concerning the above referenced property on behalf of our client, 127 Elm Street, LLC. The petition seeks rezoning of the subject property to residential use.

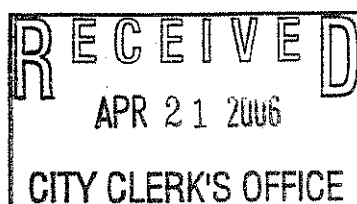
Please let us know if you require further information, or have any questions. Thank you for your consideration.

Sincerely yours,
CRONIN & BISSON, P.C.

By:

[Signature]
John G. Cronin

JGC:lma
Enclosure



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STATE OF NEW HAMPSHIRE
CITY OF MANCHESTER

127 Elm Street, LLC

PETITION FOR REZONING

NOW COMES the Petitioner, 127 Elm Street, LLC, by and through its attorneys, Cronin & Bisson, P.C., and petitions the Board of Mayor and Aldermen of the City of Manchester, in accordance with Article 16 of the City of Manchester Zoning Ordinance, to amend the Zoning Map regarding a certain parcel of land located at 603 Holt Avenue, County of Hillsborough, City of Manchester and identified as Map 716, Lot 38 in the tax records for the City of Manchester. In support hereof, Petitioner states as follows:

1. Lorraine and Edwin Hartshorn are the owners of record of a parcel of undeveloped real property located at 603 Holt Avenue and identified as Map 716, Lot 38 in the tax records of the City of Manchester (the "Property"). Edwin Hartshorn is deceased, leaving Lorraine Hartshorn as the sole owner.
2. The Property is approximately three acres and is located in the industrial zone.
3. Although zoned industrial, the Property is located directly across Holt Avenue from a residential condominium development.
4. The property elevation changes dramatically from abutting industrial zoned properties and lies in close proximity to wetland areas.
5. The Petitioner, 127 Elm Street, LLC, as agent for the owner, seeks to change the zoning classification for the property from industrial to residential with the ultimate goal of construction of a residential condominium development similar to the existing development on Holt Avenue. (A letter of authorization from the record owner is attached as Exhibit A).
6. A copy of the City tax map showing the Property as situated in the industrial zone is attached as Exhibit B.

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7. The proposed change would have little impact within the district since the Property's topography and proximity to wetlands and residential development make it difficult to develop for industrial use. In addition, a residential condominium development would be more consistent with the existing area.

8. The current zoning of "Industrial" is not compatible with the existing neighborhoods adjacent to the subject property. If the property were developed for an industrial use, it would create a detrimental impact of the neighboring residential properties.

9. Based on the anticipated market for residential condominiums in this area of the City and the number of units which could potentially be developed on the site, the proposed change should ultimately be tax positive for the City. Since the City is already servicing the existing residential condominiums in the area, there will likely be little net increase in the demand for City services as a result of the proposed change in zoning classification.

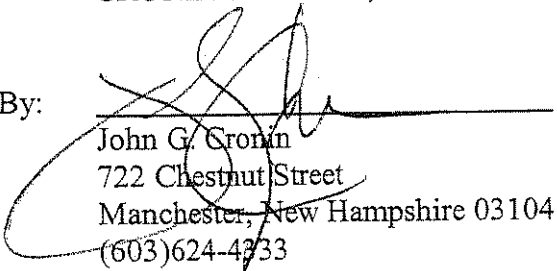
10. The names, addresses, tax map number and lot number of all abutting property owners and all properties on the opposite side of Holt Avenue is attached as Exhibit C.

11. In light of the support set forth in this petition, the Petitioner respectfully requests that the Honorable Board of Mayor and Aldermen approve this request to change the Zoning Map classification of 603 Holt Avenue to residential.

Respectfully submitted,

127 Elm Street, LLC
By its Attorneys,
CRONIN & BISSON, P.C.

By:


John G. Cronin
722 Chestnut Street
Manchester, New Hampshire 03104
(603)624-4333

Dated: April 20, 2006

Ms. Lorraine Hartshorn
Mr. Edwin Hartshorn

April 18, 2006

To Whom it May Concern:

We, the undersigned, being owners of the real property sometimes referred as Map 716, Lot 38, located on Holt Avenue in Manchester, New Hampshire, hereby grant our authority to 127 Elm Street, LLC to take any and all action required or deemed necessary to re-zone the property from "Industrial" to Residential."

Thank you.

Sincerely,

Lorraine Hartshorn
Lorraine Hartshorn

deceased
Edwin Hartshorn



Abutter List

Map 716 Lot 0038
603 Holt Avenue
Manchester, NH

Map / Lot	Property Owner	Property Owner Address
Subject Property 716 / 0038	Lorraine Hartshorn	21 Mammoth Road Hooksett, NH 03106
716 / 0036A	Boy Scouts of America	571 Holt Avenue Manchester, NH 03109
716 / 0036B	Boy Scouts of America	571 Holt Avenue Manchester, NH 03109
717 / 0013A	Arcidy Realty	520 E. Industrial Park Dr. Manchester, NH 03109
717 / 0001A	Harvey Industries Inc.	1400 Main Street Waltham, MA 02451
478 / 0002	Eastgate Apt. Assoc. Ltd. Partnership	540 N. Commercial Street Manchester, NH 03101
478 / 0003L	Eastwood Homeowner's Assoc. c/o David Hamilton, President	31 Eastwood Way Manchester, NH 03109
478 / 0003Q	Eastwood Homeowner's Assoc. c/o Sheryl Petra, Chairperson & Treasurer	53 Eastwood Way Manchester, NH 03109
478 / 0003G	Eastwood Homeowner's Assoc. c/o Amber Heroux, Chairperson	32 Eastwood Way Manchester, NH 03109



Robert S. MacKenzie, AICP
Director

CITY OF MANCHESTER

Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

May 10, 2006

Mr. Leo Bernier, City Clerk
City of Manchester
One City Hall Plaza
Manchester, NH 03101

Re: *Technical Review, Rezoning Petition – Holt Avenue*

Dear Mr. Bernier:

In accordance with the procedures on rezoning requests, the following information is being provided to your office in consideration of a rezoning request filed by agents for the owners of property on Holt Avenue (Lot 716-38). The subject parcel involves one parcel (that is proposed to be subdivided) on the southern side of Holt Avenue between East Industrial Park Drive and Waverly Street. It is 3.9+ acres in size, with a single-family residence. The subject property is currently zoned *Industrial (IND)*. The applicant is requesting that the zoning district be changed to Multi-family Residential (*R-SM*).

Presently, the land across the street from the site is zoned R-SM and includes townhouse units including Eastgate Apartments. As such, the proposal would be an extension of an existing zoning district rather than the creation of a new one. The proposal for the land, if rezoned, would be for townhouse units, which are permitted in the R-SM district. The 1993 Master Plan for the City of Manchester does not show the existing R-SM land in this area or proposed expansions of it.

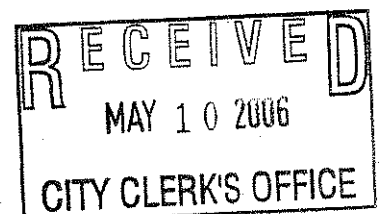
From a technical perspective, the petition may be forwarded to the Board of Mayor and Aldermen for consideration. Additional information may be required prior to the hearing as identified in 16.02 of the Manchester Zoning Ordinance. Consistent with the policy for rezoning petitions, the planning staff is providing a copy of the petition to the Planning Board, the Building Department and the Office of the City Solicitor for comment. Given that the land to be rezoned is currently Industrial, I have also begun discussions with the Director of Economic Development to gain his perspective on the change.

Please let me know when this will be referred to the Board of Mayor and Aldermen for consideration so that I will be available to answer questions.

Sincerely,

Robert S. MacKenzie, AICP
Planning Director

C: Planning Board
Office of the City Solicitor
Building Department
Economic Development Office
One City Hall Plaza, Manchester, New Hampshire 03101
Phone: (603) 624-6450 Fax: (603) 624-6529
E-mail: planning@ManchesterNH.gov
www.ManchesterNH.gov





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City of Manchester Planning Board
c/o City of Manchester Planning & Community Development Dept.
One City Hall Plaza
Manchester, New Hampshire 03101
603-624-6450
Fax (603-624-6529)

June 9, 2006

Honorable Board of Mayor and Aldermen
City of Manchester
One City Hall Plaza
Manchester, NH 03101

Re: Proposed Amendment to Zoning Map – Holt Avenue

Honorable Board Members:

At our most recent business meeting in May, the Planning Board discussed the proposed rezoning petition involving approximately 3.9 acres of land on Holt Avenue, between East Industrial Park Drive and Waverly Street. The property, known as Map 716/Lot38, with an address of 603 Holt Avenue, is presently zoned General Industrial (IND) and the applicant is requesting a change of this parcel to Suburban multi-family (RSM). The proposal involves maintaining the existing single family home on approximately 0.7 acres and developing the remaining 3.2 acres with 33 units of townhouses.

With this particular proposed amendment, the Planning Board was split in its opinion of the request. Some members felt that extending the R-SM across the street and rezoning the land, developing it consistent with the submitted plan, would be reasonable and consistent with the existing townhouses on the north side of Holt Avenue. Other Planning Board members felt that Manchester is consistently giving up, and rezoning, what little remains of industrial land in Manchester. Those members felt that building residential units on land surrounded by industrial uses would place a heavy burden on those existing industries to buffer their conforming operations from the new residential units. Those Planning Board members felt that the existing industrial uses would be limited in their expansion, since certain activities are prohibited in buffer areas between industrial and residential areas.

Another comment echoed by many of the Planning Board members was that, given the current review and update of the Master Plan, perhaps this request for rezoning is premature until the updated Master Plan is adopted later next year.

Thank you for taking our comments into consideration during your deliberations of this rezoning request.

Sincerely,

Kevin A. McCue, Chairman
Manchester Planning Board

C: Robert S. MacKenzie, Planning Director
Paul Borek, Economic Development Director

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FOUGERE PLANNING & DEVELOPMENT Inc.

Mark J. Fougere, AICP

253 Jennison Road Milford, New Hampshire 03055
phone: 603-315-1288 fax: 603-249-9314
email: mfougere@adelphia.net

May 28, 2006

Attorney John Cronin
Cronin & Bisson, PC
722 Chestnut Street
Manchester, NH 03104

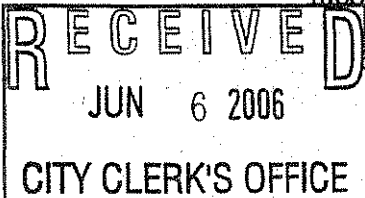
Dear Attorney Cronin,

At your request, I have reviewed the Petition For Rezoning submitted by 127 Elm Street, LLC to rezone a three acre parcel located at 603 Holt Avenue from Industrial to R-SM (Residential Suburban Multi-family District). Relative to this matter, I offer the following comments:

Fringe areas between zoning districts, the boundary line separating two divergent zoning districts, can often create conflicts between two adjoining non-compatible land uses. This certainly is the case with the zoning in this neighborhood, with the existing Industrial zone lying to the south and east of the subject property and residential zones R-SM and R-1B lying to the north. This residential neighborhood has a mix housing types, including single family homes and townhome condominiums. The entrance to an existing condominium neighborhood lies directly across the street from the subject parcel.

The development of this property for an industrial use could result in a number of negative neighborhood impacts, including:

- The introduction of industrial truck traffic into the westerly portion of Holt Avenue, which is now primarily a residential street. Although two industrial buildings lie at the corner of East Industrial Park Drive and Holt Avenue, their primary access is from East Industrial Park Drive. At this time, it is not necessary for industrial related traffic to enter this portion of Holt Avenue. If this site was developed with an industrial use, tractor trailer trucks, delivery vehicles and other incompatible traffic would have to enter this existing residential area. In addition,



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the potential exists for this industrial related traffic to take a short cut out of the neighborhood and exit the area via Waverly Street, which contains many single family homes.

- Industrial related noise (equipment, exhaust, air conditioners, loud speakers, back up alarms) could also be a factor. Many such uses have multiple shift operations, with some running 24 hours a day. This type of operation will impact the adjoining residential uses, degrading the quality of life for those homeowners. In addition, as a steep grade exists on Holt Avenue as it approaches the site, tractor trailer noise will be exacerbated as the trucks struggle to drive up the slope and brake heavily as they go down.
- The slope of the site creates a problem for industrial uses and would require extensive regrading in order to create a level and expansive building pad site. This grading would require that a majority of the existing trees on the site be removed.

The proposed rezoning request would create a compatible neighbor to the existing abutting residential uses. The proposed townhome condominium development that would occur on the subject site is more in keeping with the residential character of this area of Holt Avenue. These projects are fiscally positive and generate few demands on municipal services. Generally, private condominiums take care of their own trash, road plowing and other maintenance issues. In addition, townhomes generate few school age children and therefore impacts to the school system will be minimal. A residential development will be able to blend in with the existing site topography much easier than an industrial use, allowing for the preservation of mature trees and less land disturbance.

The proposed rezoning request will have a positive impact on the neighborhood and will not create a fiscal drain to the City. The site is more compatible to residential uses than industrial uses, given the sites topography and location. Industrial related traffic is not appropriate for this area of Holt Avenue, given the high number of existing homes lying off of Holt Avenue and Waverly Street.

Sincerely,



Mark J. Fougere, AICP



May 30, 2006

John Cronin, Esq.
Cronin & Bisson, P.C.
722 Chestnut St.
Manchester, NH 03104

Re: Zoning Change
603 Holt Ave., Manchester, NH
Tax Map 716, Lot 38

Dear Attorney Cronin:

Pursuant to your request, I have read the application for zoning change for the property known as 603 Holt Ave., Manchester, NH. The subject property consists of a single family home constructed in 1953, according to the city tax card. The home is sited on 3.9 acres and is in an industrial zone. The house appears to be sited at the northwest area of the site, allowing area for development around it. The home is on a reasonably level part of the site, but as one moves eastward on the site, the downslope becomes steeper.

Immediately to the west of the subject property is a property having a commercial/industrial use. A short distance to the east of the subject along Holt Ave. is East Industrial Park Dr., along which there is extensive industrial property usage. However, to the north of the subject is property in a residential zone, inclusive of a residential condominium complex (within view of the subject) and a subdivision of older single family homes.

I have studied the properties in the immediate area. In order to develop an opinion as to whether the presence of residential condominiums would have negative impact on value and/or marketability of surrounding properties, I have reviewed a number of sales of homes that abut or are in close proximity to condominium complexes, and compared those homes to sales of similar homes that are not in close proximity to condominiums. I was unable to discern a difference in either value or marketability.

It is my opinion that the proposed use of the subject property, that of residential condominiums, would not have any negative impact on the value or marketability of surrounding properties. Importantly, a small complex of residential condominiums known as Eastwood Condominiums already exists in the neighborhood. Further, it is my opinion that the construction of commercial/industrial buildings on the subject site may cause diminution of value of abutting and nearby residential properties, including Eastwood Condominiums.

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I will be happy to discuss this report with you. Please do not hesitate to call me if you have any questions.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Mark H. McKeon".

Mark H. McKeon
President, NHCR-03



City of Manchester Welfare Department

510 Chestnut Street
Manchester, NH 03101-1412
(603) 624-6484 FAX (603) 624-6423
www.ci.manchester.nh.us

Paul R. R. Martineau
Commissioner

January 20, 2006

Zoning Board of Adjustment
Attn: Mr. Steven Freeman, Chairman
One City Hall Plaza
Manchester, N. H. 03101

Dear Mr. Freeman and Board Members:

I am writing the Zoning Board of Adjustment to support a variance request for William A. Bevelacqua to build 33 units of townhouse condominium housing on Holt Avenue. The hearing on this proposal is scheduled for February 2, 2006.

I was a member of the Mayor's Task Force on Housing along with numerous other community leaders. The Task Force produced a 20 page report in the summer 2002 called "ACTION STRATEGY for HOUSING". I am aware that this report was given to all the Board members at that time.

The primary impetus of the Task Force was seeking ways to increase workforce (affordable) housing. One section in the report under REGULATORY speaks about Zoning Ordinances and what can be done to encourage workforce housing by addressing regulatory areas in City government. This project called "Hartshorn Way" engenders the spirit of the Task Force goal of increasing workforce housing.

In these difficult budgetary times, it is important for Manchester to maintain its vitality and business friendly atmosphere through innovative housing approaches.

I respectfully request the Board consider approving this application with the knowledge that this project will encourage, with your assistance, workforce housing development in Manchester.

Sincerely,


Paul R. R. Martineau
Welfare Commissioner

Cc: Mr. William A. Bevelacqua

DEVINE
MILLIMET

ATTORNEYS AT LAW

By Hand Delivery

SUSAN V. DUPREY
603.695.8505
SDUPREY@DEVINEMILLIMET.COM

June 19, 2006

Office of the City Clerk
One City Hall
Manchester, NH 03101-2097

RE: GFI Gold Street, LLC - Petition for Rezoning

Dear Sir or Madam:

Enclosed please find a Petition for rezoning parcels Map 875, Lot 15 and Map 875, Lot 16. Also enclosed is our check in the amount \$300.00. Our office represents GFI, which requests this rezoning.

Please feel free to contact me should you have any questions regarding this matter or if additional information is required. Thank you.

Very truly yours,



Susan V. Duprey

SVD:ml

Enclosures

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July 11, 2006.

In Board of Mayor and Aldermen.

On motion of Alderman Garrity, duly seconded by Alderman Forest, it was voted to refer the petition for rezoning to a Public Hearing on Monday, August 7, 2006 at 6 PM in the Aldermanic Chambers of City Hall and further to authorize execution of agreements enclosed subject to the review and approval of the City Solicitor.


City Clerk

DEVINE, MILLIMET
& BRANCH
PROFESSIONAL
ASSOCIATION

111 AMHERST STREET
MANCHESTER
NEW HAMPSHIRE
03101

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F 603.669.8547
DEVINEMILLIMET.COM

MANCHESTER, NH
ANDOVER, MA
CONCORD, NH
NORTH HAMPTON, NH

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STATE OF NEW HAMPSHIRE
CITY OF MANCHESTER

GFI GOLD STREET, LLC

PETITION FOR REZONING

NOW COMES the Petitioner, GFI Gold Street, LLC, by and through its attorneys, Devine, Millimet & Branch, Professional Association, and petitions the Board of Mayor and Aldermen of the City of Manchester, in accordance with Article 16 of the City of Manchester Zoning Ordinance, to change the zone of and amend the Zoning Map regarding 2 parcels of land, one of which is located at 725 Gold Street and the other of which is near Gold Street, County of Hillsborough, City of Manchester and identified as Map 875 Lot 15 and Map 875 Lot 16 in the tax records for the City of Manchester. In support thereof, Petitioner states as follows:

1. GFI Gold Street, LLC is the owner of record of that parcel of land located at 725 Street and identified as Map 875 Lot 15 in the tax records of the City of Manchester (Property 1). Property 1 is approximately 15.178 acres in size and was formerly the site of Associated Grocers which has since relocated. Property 1 is currently zoned Industrial.

2. Ashkars Children's Limited Liability Company and John N. Ashkars own a parcel near Gold Street which has no building situate on it and abuts Property 1 which land is identified as Map 875 Lot 16 in the tax records of the City of Manchester ("Property 2"). Property 2 is approximately 36,864 square feet in size and is also zoned Industrial. Property 2 is subject to a purchase agreement in favor of GFI Gold Street, LLC.

3. The Petitioner, GFI Gold Street, LLC, for itself as owner of Property 1 and as agent for the owners of Property 2, seeks to change the zoning classification of Property 1 and Property 2 from Industrial to B-2 in order to locate a retailer on Property 1 and Property 2.

4. A copy of the tax map showing Property 1 and Property 2 as situated in the Industrial Zone and the zoning designations for the surrounding properties is attached is Exhibit A.

5. It is believed that the change of zone will have little impact on the surrounding area in that much of the surrounding area was either zoned B-2, has been rezoned from

Industrial to B-2 or variances have been granted to allow uses permitted in the B-2 zone.

Changing the zone to B-2 will reduce heavy truck traffic in the area as Property 1 is now used as a 24 hour per day trucking terminal. Plans are being prepared to help address and to generally improve conditions on Gold Street.

6. This proposed change will have a substantial positive tax revenue impact for the City of Manchester and will have no effect on the environment as Property 1 is already developed for an industrial use. There will be no impact on municipal services or facilities.

7. The names, addresses, tax map numbers and lot numbers of all abutting property owners and all properties on the opposite side of the street from Property 1 and Property 2 are attached as Exhibit B.

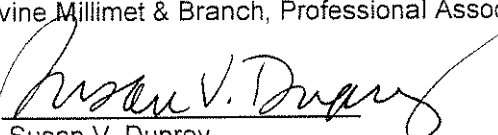
8. A metes and bounds description of Property 1 and Property 2 is attached as Exhibit C.

9. The Petitioner respectfully requests that the Honorable Board of Mayor and Aldermen approve this request to change the zone for Property 1 and Property 2 from Industrial to B-2 and to amend the Zoning Map to reflect this change.

Respectfully submitted,

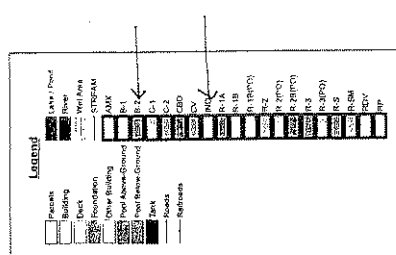
GFI Gold Street, LLC
By its Attorneys,
Devine Millimet & Branch, Professional Association

By


Susan V. Duprey
111 Amherst Street
Manchester, NH 03101
(603) 695-8505

Dated: June 19, 2006

ANALYSIS SHOWING FIRST OF MAY AT LEAST



DISC 1 AMER

The information appearing on this map is for the convenience of the user and is not an official public record of the City of Manchester, NH (the "City"). This map is not for warranty, representation, or any other legal purposes. The City makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of this information for any particular use. The City assumes no liability whatsoever associated with this use or misuse of this information. This official public record from which this information was compiled is kept in the offices of various City, County, and State government agencies and did not undergo any editing, redaction, or other processing. The user assumes all liability for any and all business losses by using this map. 2011 appears in these terms and conditions.

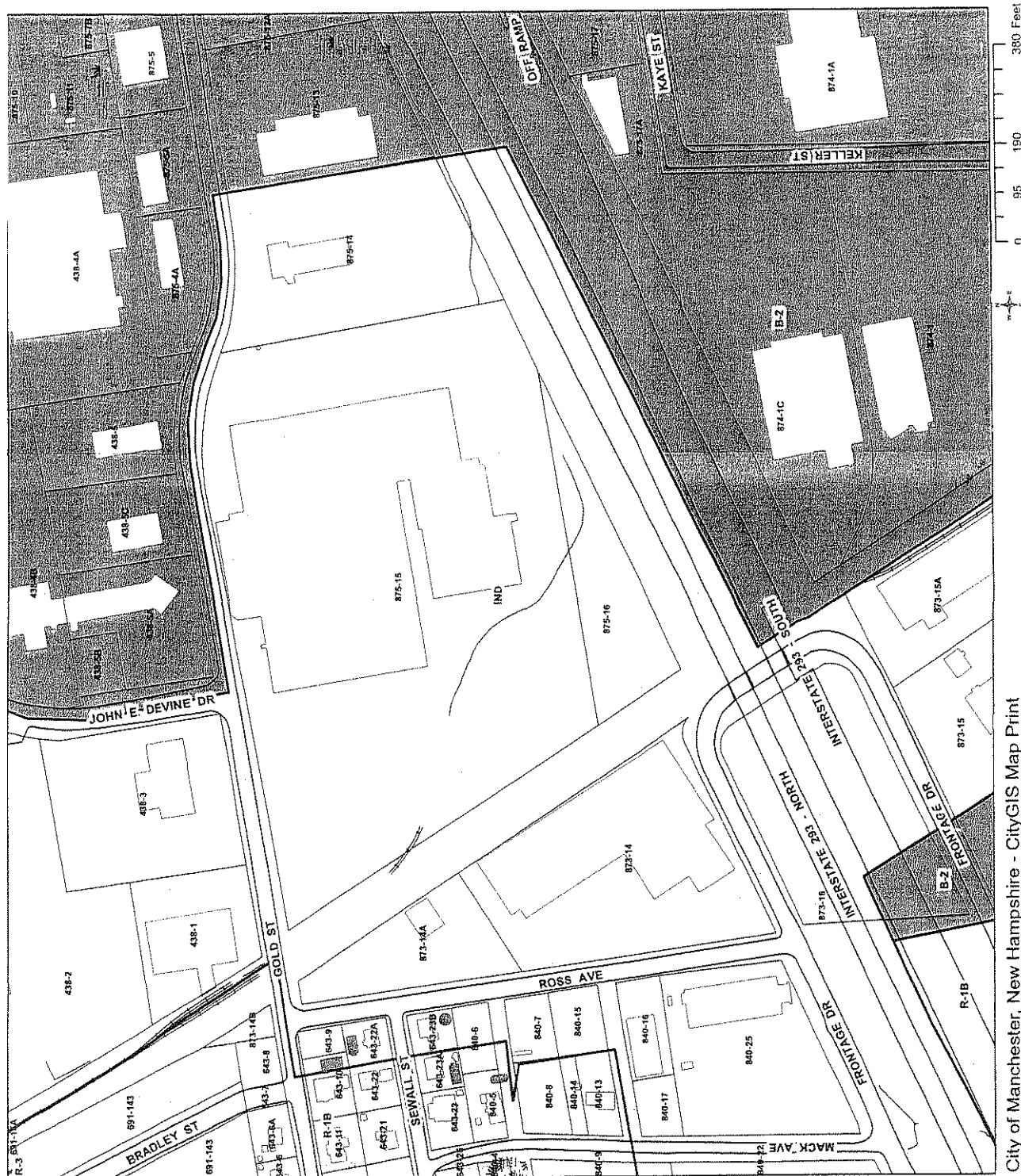


Exhibit C

Legal Description for Lot 875-15, located at 725 Gold Street, Manchester:

A certain tract or parcel of land with the buildings thereon, situate in Manchester, Hillsborough County, State of New Hampshire, being Lot 875-15 on Plan # _____, entitled "ALTA/ACSM Land Title Survey, 725 Gold Street in Manchester, New Hampshire (Hillsborough County), dated December 22, 2005, prepared by BSC Group, more particularly bounded and described as follows:

Beginning at a point on the northeasterly corner of the Lot on the southerly line of Gold Street; thence

1. South $9^{\circ} 17' 43''$ East, a distance of 80.15 feet to a concrete bound found; thence
2. South $09^{\circ} 76' 53''$ East, a distance of 488.15 feet by the westerly side of Lot 875-14; to an iron pipe at the southeasterly corner of the lot; thence
3. South $64^{\circ} 53' 52''$ West, a distance of 310.73 feet by the northerly line of the Interstate Highway 293 to an iron pipe; thence
4. South $82^{\circ} 28' 33''$ West, a distance of 517.33 feet by the northerly line of Lot 875-16 to an iron pipe at the southeasterly corner of the premises; thence
5. North $32^{\circ} 51' 25''$ West, a distance of 21.90 feet to an iron pipe; thence
6. North $08^{\circ} 01' 16''$ West, a distance of 19.62 feet to an iron pipe; thence
7. North $32^{\circ} 51' 25''$ West, a distance of 714.62 feet by the easterly side of the rail road tracks to an iron pipe at the northwest corner of the premises on the southerly line of Gold Street; thence
8. North $80^{\circ} 33' 28''$ East, a distance of 305.63 feet by the southerly line of Gold Street to an iron pipe; thence
9. North $80^{\circ} 16' 28''$ East, a distance of 586.18 feet by the southerly line of Gold Street to an iron pipe; thence
10. Curving in a southeasterly direction with a radius of 399.80 feet, along the southerly line of Gold Street, a distance of 230.44 feet to the point of beginning.

Containing 15.178 Acres, more or less.

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Legal Description for Lot 875-16, located on Gold Street, Manchester:

A certain Tract or parcel of land, situated in Manchester, bounded and described as follows:

Beginning at a point on the southwest corner of the premises north of the Interstate Highway 293, thence

1. North $32^{\circ} 51' 25''$ West along said Manchester-Lawrence Railroad for a distance of 157.68 feet, more or less to an iron post set at land of Associated Grocers; thence
2. South $82^{\circ} 28'$ East for a distance of 517.33 feet, more or less to the interstate Highway 293; thence
3. South $64^{\circ} 53' 52''$ West for a distance of 471.90, along said Interstate Highway 293 to the point of beginning.

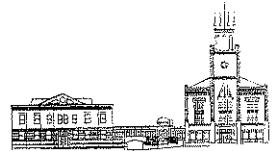


Robert S. MacKenzie, AICP
Director

CITY OF MANCHESTER

Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

June 28, 2006

Mr. Leo Bernier, City Clerk
City of Manchester
One City Hall Plaza
Manchester, NH 03101

Re: *Technical Review, Rezoning Petition – Gold Street*

Dear Mr. Bernier:

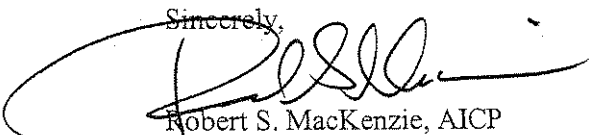
In accordance with the procedures on rezoning requests, the following information is being provided to your office in consideration of a rezoning request filed by the owner of one property and agent for a second property on Gold Street (including two lots: Lot 875-15 and 875-16). The subject parcels are located on the south side of Gold Street east of the former Lawrence Rail Branch. The first property is 15.2 acres currently containing the Associated Grocers Building and the second is .85 acres in size that is vacant. The subject properties are currently zoned *Industrial (IND)*. The applicant is requesting that the zoning district be changed to General Business (*B-2*).

Presently, while the parcels are adjacent to a B-2 on one side, the rezoning action would create one parcel that would be zoned IND and surrounded by B-2. As this could be considered spot zoning, we would recommend that the parcel at 835 Gold Street (Lot 875-14; 3.42 acres) also be considered by the Board for rezoning from IND to B-2. In the 1993 Master Plan for the City of Manchester, this area was identified as Industrial land use although the plan also recognized that extension of the business zone into areas of industrial zone was likely and that certain precautions should be taken. The key precaution from the Master Plan as it relates to this rezoning request states "...the proposed district should be evaluated to insure that possible projects will not encourage additional traffic impacts upon residential areas..." The applicants, working with the City, have devised a traffic calming plan to mitigate impacts on Gold Street and Sewall Street which may be considered by the Board of Mayor and Aldermen.

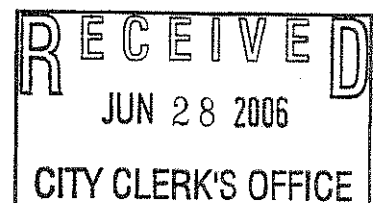
From a technical perspective, the petition may be forwarded to the Board of Mayor and Aldermen for consideration. Consistent with the policy for rezoning petitions, the planning staff is providing a copy of the petition to the Planning Board, the Building Department and the Office of the City Solicitor for comment.

I will be available for any questions that the Board may have.

Sincerely,


Robert S. MacKenzie, AICP
Planning Director

C: Planning Board
Office of the City Solicitor
Building Department
Economic Development Office
One City Hall Plaza, Manchester, New Hampshire 03101
Phone: (603) 624-6450 Fax: (603) 624-6529
E-mail: planning@ManchesterNH.gov
www.ManchesterNH.gov



City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, and 875-16."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 1. "Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (General Industrial/Industrial Park) located on Gold Street including Tax Map 875, Lots 14, 15, and 16, and being more particularly bounded and described as follows:

Beginning at a point on the centerline of the intersection of Gold Street and John E. Devine Drive extended, said point being on the zone boundary line of the B-2 (General Business) zone district and the IND (General Industrial/Industrial Park) zone district, prior to this amendment;

Thence, easterly along the centerline of Gold Street, also being the zone boundary line between the B-2 (General Business) zone district and the IND (General Industrial/Industrial Park) zone district, prior to this amendment, approximately 965 ft. to a point;

Thence, southerly along the zone boundary line of the B-2 (General Business) zone district and the IND (General Industrial/Industrial Park) zone district, prior to this amendment, a distance of approximately 570 ft. to a point;

Thence, southwesterly along the zone boundary line of the B-2 (General Business) zone district and the IND (General Industrial/Industrial Park) zone district, prior to this amendment, a distance of approximately 1,075 ft. to a point;

Thence, northwesterly generally along the centerline of the former Lawrence Branch of the Boston and Maine Railroad, a distance of approximately 1,090 ft. to a point, said point being the zone boundary line of the R-1B (Residential One-Family) zone district and the IND (General Industrial/Industrial Park) zone district, prior to this amendment;

Thence, easterly along the centerline of Gold Street, also being the new zone boundary line between the B-2 (General Business) zone district and the IND (General Industrial/Industrial Park) zone district, after this amendment, a distance of approximately 515 ft. to a point, said point also being the point of beginning.

Said description to include TM 875, Lot 14, Lot 15, and Lot 16 consisting of approximately 19.43 acres of private land, to be rezoned from IND (General Industrial/Industrial Park) to B-2 (General Business) zone district, after this amendment.

SECTION II. Resolve this ordinance shall take effect upon passage.



Robert S. MacKenzie, AICP
Director

CITY OF MANCHESTER

Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

July 20, 2006

Honorable Board of Mayor and Aldermen
City Hall
One City Hall Plaza
Manchester, New Hampshire 03101

re: Rezoning of Diocese Property behind Gold Street

Honorable Board Members:

This is to submit a request for rezoning for a portion of the Diocese Property adjacent to the proposed Gold Street Bypass from a single-family district (R-1B) to a multi-family district (R-3). The agreement that the Board recently acted upon called upon the City to initiate this rezoning. The Diocese has offered to donate the land necessary to create the new Gold Street Bypass as part of an overall plan to mitigate traffic in the area.

As this rezoning and the subsequent dedication of street area is necessary to complete the traffic improvements, it may be appropriate for the Board to time the final action on the rezoning of the Associated Grocers site with the rezoning of the Diocese property to insure that the creation of the Bypass is feasible.

From a technical standpoint, the Diocese rezoning is an extension of an existing multi-family zoning district and there are no other specific issues to preclude the rezoning to proceed to public hearing.

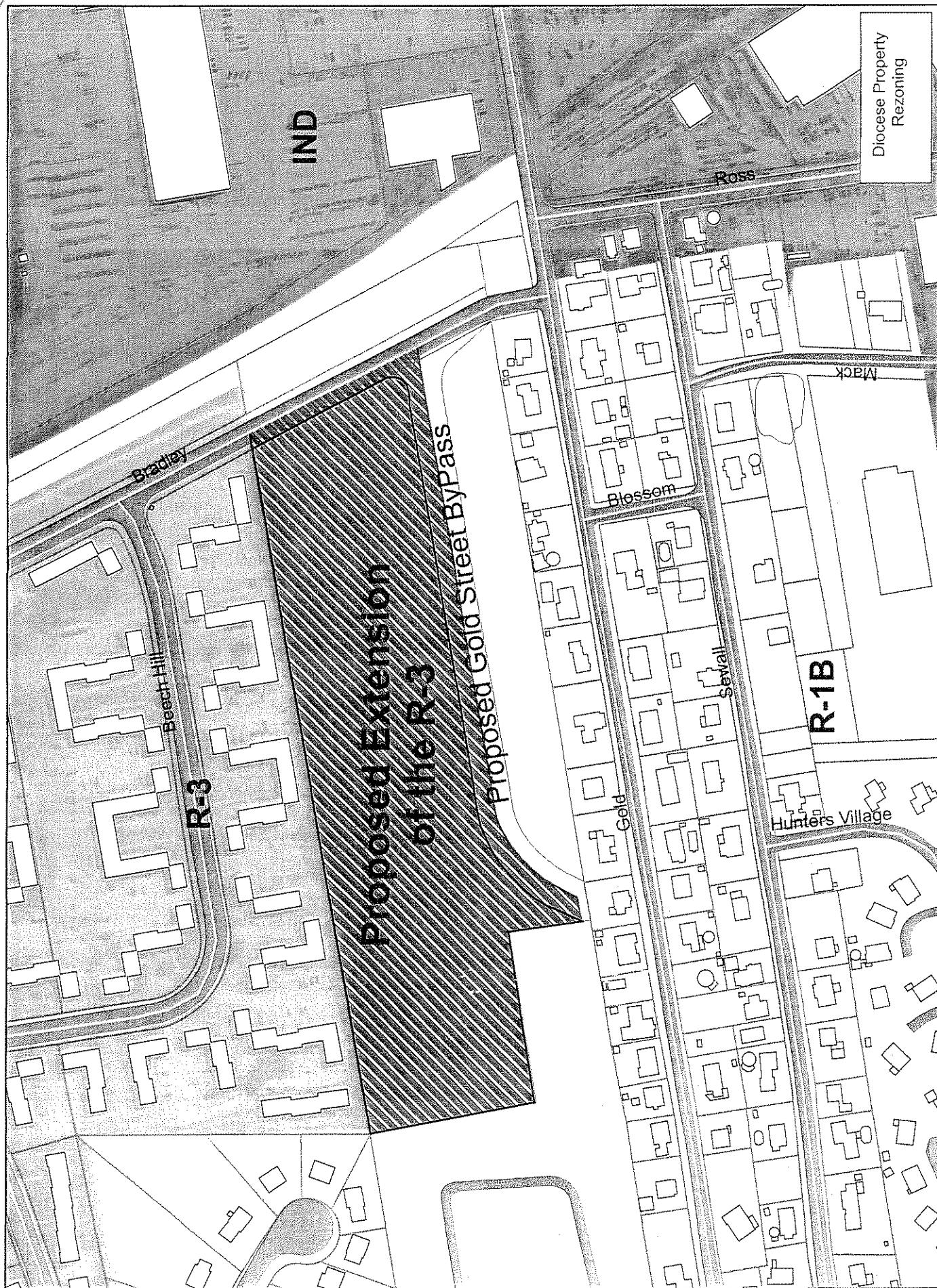
If you have any questions, I will be available at your next meeting.

Sincerely,

Robert S. MacKenzie, AICP
Director of Planning & Community Development

C: Planning Board
Building Department
Brad Cook
Tom Arnold
Paul Borek

One City Hall Plaza, Manchester, New Hampshire 03101
Phone: (603) 624-6450 Fax: (603) 624-6529
E-mail: planning@ManchesterNH.gov
www.ManchesterNH.gov



City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot #143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St Augustin's Cemetery"

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 1. Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot #143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St Augustin's Cemetery and being more particularly bounded and described as follows:

Beginning at a point at the centerline of Bradley Street at a point opposite the property lines of New Beech Hill Development Company, LP (TM 691-15A) and the Diocese of Manchester (shown on a subdivision plan approved by the Planning Board on February 23, 2006 as TM 691-143-1), said point being on the zone boundary line of the R-3 (Urban Multi-family) district and the R-1B (Single-family), prior to this amendment;

Thence, westerly across the Right of Way of Bradley Street and continuing along the northerly boundary of said property of the Diocese of Manchester TM 691-143-1, said line also being the zone boundary line between the R-3 (Urban Multi-family) district and the R-1B (Single-family), prior to this amendment, approximately 1206 ft. to a point;

Said point being the end of the northerly boundary of the Diocese of Manchester TM 691-143-1, and at the intersection with the following properties: TM 691-143, TM 691-135, TM 691-136 and TM 691-15A;

Thence, southerly along the boundary of property of the Diocese of Manchester TM 691-143-1 a distance of 285.94 ft. to a point;

Thence, easterly along the boundary of property of the Diocese of Manchester TM 691-143-1 a distance of 295.71 ft. to a point;

Thence, southerly along the boundary of property of the Diocese of Manchester TM 691-143-1 a distance of approximately 130 ft. to a point, said point being on the edge of the proposed Right of Way of the Gold Street Bypass;

Thence, easterly across the Right of Way of the Gold Street Bypass to the centerline of said Bypass a distance of approximately 30 feet to a point;

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City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot #143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St Augustin's Cemetery"

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

Thence, northeasterly and easterly along the centerline of the Right of Way of the Gold Street Bypass as extended to the centerline of Bradley Street a distance of approximately 1,017 feet to a point;

Thence northerly along the centerline of Bradley Street to a point opposite the property lines of New Beech Hill Development Company, LP (TM 691-15A) and the Diocese of Manchester (TM 691-143-1) a distance of approximately 324 feet to a point, said point also being the point of beginning.

Said description meaning to include a portion of property of the Diocese of Manchester (shown on a subdivision plan approved by the Planning Board on February 23, 2006 as TM 691-143-1) consisting of approximately 8.1 acres of private land, to be rezoned from the R-1B (Single-family) zoning district to the R-3 (Urban Multi-family) zoning district, after this amendment.

SECTION II. Resolve this ordinance shall take effect upon passage.